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FM AMEMBASSY BRASILIA  
TO RUEHC/SECSTATE WASHDC 3104  
RUEAWJA/DEPT OF JUSTICE WASHDC  
INFO RUEHRG/AMCONSUL RECIFE 8806  
RUEHSO/AMCONSUL SAO PAULO 3203  
RUEHRI/AMCONSUL RIO DE JANEIRO 6988  
RUEHAC/AMEMBASSY ASUNCION 7264  
RUEHBU/AMEMBASSY BUENOS AIRES 5976  
RUEHMN/AMEMBASSY MONTEVIDEO 7614  
RUEHSG/AMEMBASSY SANTIAGO 0758

UNCLAS BRASILIA 001608

SENSITIVE  
SIPDIS

E.O. 12958: N/A

TAGS: [PREL](#) [PGOV](#) [KCRM](#) [BR](#)

SUBJECT: BRAZIL CRIMINALIZES POSSESSION OF CHILD PORNOGRAPHY WITH  
USG ASSISTANCE

11. (U) Brazilian President Lula opened the Third International Child World Congress in Rio de Janeiro on November 25 (SEPTEL) by pulling out his pen in front of thousands of participants and signing a bill that made possession of child pornography a felony, the first time it has been criminalized in Brazil. As Lula signed the new law, he commented that "this is the result of the CPI (Investigative Committee of Congress) making Brazil see that this animalistic crime is happening within our borders." The legislation went from a concept to a signed bill in only 8 months, due in large measure to a partnership between its author, Senator Magno Malta, and the Embassy's Resident Legal Advisor (RLA). End summary.

Turning Lemons into Lemonade  
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12. (SBU) In March 2008, Senator Malta (Party of the Republic Espiritu Santo state) insisted on meeting with the Embassy to complain about the alleged sexual abuse of a young boy by a TDY ICE agent in Rio earlier that year. Asserting that he had been treated poorly by U.S. Customs when he travels to the United States, Malta said he was outraged when he learned that the agent had been returned to the United States. ICE Attache Charles Allen explained the PROTECT Act, and indicated that ICE has successfully prosecuted and obtained convictions in ten such cases internationally, all resulting in sentences in excess of 10 years. Impressed, Malta accepted from RLA Karine Moreno-Taxman copies of relevant U.S. laws and asked her to provide advice to the Child Pornography CPI that had been designated by the Brazilian Congress to draft legislation. Working with U.S. law as a model, the RLA assisted the CPI in drafting the legislation that Lula signed into law.

13. (U) When the RLA first met with the CPI, several members expressed concern regarding the government regulation of "simple" possession, as they feared such action could affect free speech. Only after the RLA explained that child pornography was used by perpetrators to "groom" children into committing such acts did CPI members understand the full implications of possession. Through the RLA's work with the CPI and Malta's efforts, the bill was put on a very quick trajectory to passage. When the Senate passed the law, Malta publicly thanked the United States, the Embassy, and the RLA. At the World Congress in Rio, Malta again publicly thanked the Embassy for its assistance, specifically mentioning the work of the RLA, ICE, and the FBI.

RLA Sponsors Conference for Brazilian Law Enforcement, Prosecutors,  
Judges  
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14. (U) Relatively few criminal bills pass into law in Brazil, and these often are not implemented, principally as a result of lack of awareness, training, and coordination among law enforcement and the judiciary. With this in mind, following the passage of Brazil's law

in the Senate and its imminent passage in the Chamber of Deputies, the RLA enlisted Malta, the Espiritu Santo state government, the Federal Police, Federal Prosecutors, and the Federal Judiciary to organize in October the first international training conference in Brazil on child pornography. The conference, which provided joint training to over 400 judges, prosecutors, and law enforcement agents, also represented a first in ensuring that all branches were ready to enforce the new law immediately after enactment.

Comment: A Model for Partnership

15. (U) Brazil has shown the political will and ability to collaborate with the United States on law enforcement and justice sector issues when we approach Brazilians as partners. Post's work on this legislation has reinforced our sense that personal relationships with Brazilian counterparts in the legislature, judiciary, prosecutor's office, and police are critical to achieving our objectives. This work also confirms the valuable role that congress, and CPIs in particular, can play in advancing our interests, especially when those interests require legislation. Indeed, these relationships have proven helpful in broaching new areas of U.S. interests in Brazil. For example, at the RLA's urging, Senator Malta has introduced legislation that would allow for easier conversion of Interpol "red notices" into viable Brazilian warrants. Post plans to continue developing and deepening these relationships and to explore other areas where we can advance our interests by serving as a source of information for the CPIs, congressional committees, and key legislators.

SOBEL